

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS**

<b>BENJAMIN BARTLETT,</b>	)	<b>Case No. 22-CV-01792</b>
	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>Judge:</b>
	)	
	)	
<b>v.</b>	)	
	)	<b>Magistrate:</b>
<b>OFFICER TYSON BROWN,</b>	)	
<b>OFFICER JUSTIN T. MOORE,</b>	)	
<b>OFFICER ZACHARY D. FENTON,</b>	)	<b>JURY DEMAND</b>
<b>OFFICER MARCELUS R.</b>	)	
<b>OTTENSMEIER,</b>	)	
	)	
<b>Defendants.</b>	)	

**COMPLAINT AT LAW**

NOW COMES the PLAINTIFF, BENJAMIN BARTLETT, by and through his attorneys, the C. Norris Law Group, LLC and complaining against Defendants OFFICER TYSON BROWN, OFFICER JUSTIN T. MOORE, OFFICER ZACHARY D. FENTON, and OFFICER MARCELUS R. OTTENSMEIER, complains as follows:

**FACTS**

1. This Action is brought pursuant to the laws of the United States Constitution, specifically, 42 U.S.C. §1983 and §1988, to redress deprivations of the Civil Rights of the Plaintiff, BENJAMIN BARTLETT, accomplished by acts and/or omissions of the Defendants, OFFICER TYSON BROWN, OFFICER JUSTIN T. MOORE, OFFICER ZACHARY D. FENTON, and OFFICER MARCELUS R OTTENSMEIER, committed under color of law.

2. Jurisdiction is based on Title 28 U.S.C. § 1343 and § 1331 and supplemental jurisdiction of the State of Illinois.
3. The Plaintiff, BENJAMIN BARTLETT, was at all relevant times a United States Citizen and resident of the State of Illinois.
4. At all relevant times the Defendants, OFFICER TYSON BROWN, OFFICER JUSTIN T. MOORE, OFFICER ZACHARY D. FENTON, and OFFICER MARCELUS R. OTTENSMEIER, were duly appointed Illinois Department of Corrections prison guards acting within the scope of their employment and under color of law.
5. On August 12, 2020, Plaintiff, BENJAMIN BARTLETT was in his cell at Menard Correctional Center when he was approached by Defendant OFFICER JUSTIN T. MOORE.
6. Defendant OFFICER JUSTIN T. MOORE informed Plaintiff that he was to escort him to his mental health care appointment.
7. Defendant OFFICER JUSTIN T. MOORE took Plaintiff out of his cell and began to escort him a short distance when Plaintiff noticed Defendants OFFICER TYSON BROWN, OFFICER ZACHARY D. FENTON, and OFFICER MARCELUS R. OTTENSMEIER in front of him putting on gloves.
8. Defendant OFFICER JUSTIN T. MOORE then pushed Plaintiff BENJAMIN BARTLETT towards Defendants OFFICER TYSON BROWN, OFFICER ZACHARY D. FENTON, and OFFICER MARCELUS R. OTTENSMEIER, whereupon Defendant OFFICER ZACHARY D. FENTON choked him while Defendants OFFICER JUSTIN T. MOORE, OFFICER ZACHARY D. FENTON, preceded to punch and slam Plaintiff

against a concrete wall while OFFICER MARCELUS R. OTTENSMEIER watched close by.

9. Plaintiff then dropped to the floor and curled up in a ball to protect himself.
10. Once Plaintiff dropped to the floor, Defendants OFFICER TYSON BROWN, OFFICER JUSTIN T. MOORE, OFFICER ZACHARY D. FENTON, and OFFICER MARCELUS R. OTTENSMEIER proceeded to savagely kick the Plaintiff while he was on the ground for a period of time.

**COUNT I: 42 U.S.C. § 1983–EXCESSIVE FORCE**

- 1-10. Plaintiff, BENJAMIN BARTLETT, incorporates paragraphs 1-10 as fully set forth above for count I.
11. The force described above which was used by Defendants, OFFICER TYSON BROWN, OFFICER JUSTIN T. MOORE, OFFICER ZACHARY D. FENTON, and OFFICER MARCELUS R. OTTENSMEIER, against Plaintiff, BENJAMIN BARTLETT, was unreasonable and excessive in violation of the Plaintiff's Fourth and Fourteenth Amendment to the United States Constitution as protected by 42 U.S.C. §1983.
12. The actions of the Defendants were intentional, willful and wanton.
13. As a result of the Defendants actions, the Plaintiff BENJAMIN BARTLETT was injured.
14. The aforementioned actions were the direct and proximate cause of the Constitutional violations set forth above, and caused Plaintiff, BENJAMIN BARTLETT, to suffer without limitations, physical injury, pain and suffering, humiliation, and emotional distress.

**WHEREFORE** Plaintiff, BENJAMIN BARTLETT, respectfully requests that this Court enter judgment in his favor and against Defendants, OFFICER TYSON BROWN, OFFICER JUSTIN T. MOORE, OFFICER ZACHARY D. FENTON, and OFFICER

MARCELUS R. OTTENSMEIER, and award compensatory damages, punitive damages, costs, and attorney's fees against Defendants, OFFICER TYSON BROWN, OFFICER ZACHARY D. FENTON, and OFFICER MARCELUS R. OTTENSMEIER, as well as any other relief that this Court deems just and equitable.

**COUNT II—42 U.S.C § 1983 FAILURE TO INTERVENE**

- 1-14. The Plaintiff, BENJAMIN BARTLETT, hereby re-alleges and incorporates his allegations of paragraph 1-14 of Count I as his respective allegations for Count II as though fully set forth herein.
15. Defendants, OFFICER TYSON BROWN, OFFICER JUSTIN T. MOORE, OFFICER ZACHARY D. FENTON, and OFFICER MARCELUS R. OTTENSMEIER were in close physical proximity, and witnessed the use of excessive force against Plaintiff BENJAMIN BARTLETT.
16. Defendants OFFICER TYSON BROWN, OFFICER JUSTIN T. MOORE, OFFICER ZACHARY D. FENTON, and OFFICER MARCELUS R. OTTENSMEIER had an opportunity to intervene, failed to do so.
17. The acts and/or omissions of Defendants OFFICER TYSON BROWN, OFFICER JUSTIN T. MOORE, OFFICER ZACHARY D. FENTON, and OFFICER MARCELUS R. OTTENSMEIER, constituted violations of the Fourth and Fourteenth Amendment rights of the Plaintiff, BENJAMIN BARTLETT, as enforced by 42 U.S.C. §1983.
18. As a result of the acts and/or omissions of the Defendants, the Plaintiff BENJAMIN BARTLETT, suffered fear, anxiety, pain, suffering, emotional distress, physical injury, and monetary expenses.

**WHEREFORE**, the Plaintiff, BENJAMIN BARTLETT, respectfully requests that this Court enter judgment in his favor and against Defendants, OFFICER TYSON BROWN, OFFICER JUSTIN T. MOORE, OFFICER ZACHARY D. FENTON, and OFFICER MARCELUS R. OTTENSMEIER, and award compensatory damages, punitive damages, plus attorneys' fees, and costs against Defendants, OFFICER TYSON BROWN, OFFICER JUSTIN T. MOORE, OFFICER ZACHARY D. FENTON, and OFFICER MARCELUS R OTTENSMEIER, as well as any other relief that this Court deems just and equitable.

**JURY DEMAND**

The Plaintiff, BENJAMIN BARTLETT, hereby requests a trial by jury.

Respectfully submitted,

/s/ Brian Orozco  
One of Plaintiffs' Attorneys  
ARDC # 6309838  
C. Norris Law Group, LLC  
900 West Jackson Blvd., Suite 6E  
Chicago, Illinois, 60607